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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

19 The parties appeared before the Court on October 19, 2011 concerning detention and
20 conditions of release. The defendant hereby waives time for a preliminary hearing under Federal
21 Rule of Criminal Procedure 5.1(c) and the parties hereby stipulate and move the Court for an
22 Order excluding time under the Speedy Trial Act through the next hearing date, October 27, 2011.
23 2011.

24 Counsel for the defendant believes that postponing the preliminary hearing is in his
25 client's best interest and that it is not in his client's best interest for the United States to present
26 an indictment before the otherwise required preliminary hearing date. The parties agree that –
27 taking into account the public interest in prompt disposition of criminal cases – good cause exists
28 for this extension. For defendants who in custody, Federal Rule of Criminal Procedure 5.1(c)

STIP. RE PRELIMINARY HRG & SPEEDY TRIAL ACT
No. 11-71127 MAG (LB)

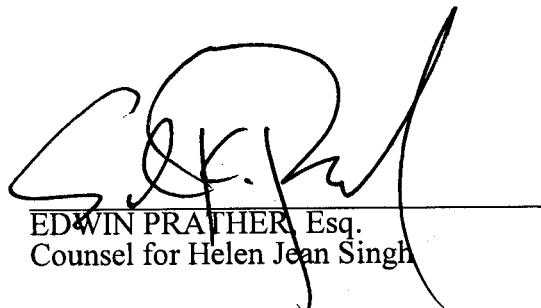
1 permits the Court to hold a preliminary hearing no later than 14 days after the defendant's initial
2 appearance, which would be October 20, 2011. For defendants who are not in custody, Federal
3 Rule of Criminal Procedure 5.1(c) permits the Court to hold a preliminary hearing no later than
4 21 days after the defendant's initial appearance, which would be October 27, 2011. The
5 defendant agrees to waive the time for preliminary hearing under Rule 5.1(c).

6 The Speedy Trial Act requires that an information or indictment be filed within 30 days
7 of a defendant's arrest. 18 U.S.C. § 3161(b). In this case, the defendant also agrees to toll and to
8 waive, for purposes of the Speedy Trial Act, the period from this date to the next hearing date,
9 October 27, 2011. The parties agree and stipulate that the delay resulting from this
10 continuance serves the ends of justice and that such action outweighs the best interest of the
11 public and the defendant in a speedy trial. Specifically, defense counsel, who assumed
12 representation of the defendant in this case on October 6, 2011, is investigating and obtaining
13 information about this case. The parties therefore stipulate that an exclusion of time under the
14 Speedy Trial Act for continuity of counsel and effective preparation of counsel is warranted
15 pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

16

17 **SO STIPULATED.**

18 DATED: October 19, 2011

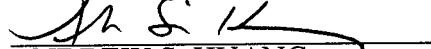


EDWIN PRAITHER, Esq.
Counsel for Helen Jean Singh

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ANDREW S. HUANG
Assistant United States Attorney

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STIP. RE PRELIMINARY HRG & SPEEDY TRIAL ACT
NO. 11-71127 MAG (LB)

1 [PROPOSED] ORDER
2

3 The Court finds, based on the record and the Stipulation above, that the delay resulting
4 from the continuance of this matter to October 27, 2011 serves the ends of
5 justice and that such action outweighs the best interest of the public and the defendant in a
6 speedy trial. Specifically, the Court finds that denying such a continuance would deny the
7 defendant continuity of counsel and deny defense counsel reasonable time for effective
8 preparation, taking into account the exercise of due diligence. Therefore, IT IS HEREBY
9 ORDERED that the period of time between the date of this Order and October 27, 2011
be excluded for Speedy Trial Act purposes.

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11 DATED: 10/19/11
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Hon. LAUREN BEELER
United States Magistrate Judge